

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15205 of 2019

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Ajay Kumar Son of Sri Bhupendra Narayan Seth Resident of Village-Meha
Simar, P.O.-Singion, Block and P.S.-Kishanpur, District-Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna
2. The Principal Secretary Department of Food and Civil Supplies, Government of Bihar, Patna
3. The Commissioner-cum-First Appellate Authority Koshi Division, Saharsa
4. The District Level Selection Committee through its Chairman, the District Magistrate, Supaul
5. The District Magistrate Supaul
6. The District Supply Officer-cum-Secretary District Level Committee, Supaul
7. The District Public Grievance Redressal Forum Supaul
8. The Sub-Divisional Grievance Redressal Officer Supaul
9. The Block Supply Officer Kishanpur, District-Supaul
10. Prem Kumar Kishan @ Shambhu Kumar @ Anand Kumar Gaurav Son of Sri Ramadhin Sah Resident of Village and P.O.-Singion, P.S.-Kishanpur, District-Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 17-10-2025

1. The Writ petition is filed for the following

reliefs:-

*“A) to issue a writ in the nature
of certiorari setting aside decision of
Selection Committee contained in
Memo No. 381-2 dated 8.5.2018 at
Serial No. 4 by which objection of*



petitioner was rejected holding that the resolution dated 31.10.18 contained in memo No. 917-2 (Annexure-8) by which Prem Kumar Kishan (Respondent No. 10) was recommended for issuance of PDS dealership license is valid.

B) To issue a writ in the nature of mandamus commanding/directing the Respondents to issue PDS dealership license in favour of petitioner after making amendment in merit list as petitioner ought to have been selected since he is older to Respondent No. 10 as per Rule 9(v) of Bihar Targeted PDS (control) Order, 2016.

C) Any other relief or reliefs, writ or writs, direction or directions which this Hon'ble Court may deem fit and proper in the facts and circumstances may also be granted."

2. At this juncture, the Learned counsel for the respondents contended that Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the provision of appeal and Section 32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the provision of revision. Section 32(iii) 32(v) and 32(vi) read as follows:

"32 (iii). Any person aggrieved by an order of the licensing authority



denying the issue or renewal of the license to the fair price shop owner or cancellation of the license may appeal to the District Officer within thirty days of the date of receipt of the order and the District Magistrate shall, as far as practicable, dispose the appeal within a period of sixty days."

32. (v) Till the disposal of appeal pending, the Appellate Authority may direct that the order under appeal shall not take effect for such period as the authority may consider necessary for giving a reasonable opportunity to the other party under sub-clause (4) or until the appeal is disposed of, whichever is earlier.

(vi) Due to non disposal of the appeal within sixty days by the District Officer or against the order passed in the appeal, a revision may be filed before the Divisional Commissioner. The revision shall be disposed of within two months.

3. Admittedly, from the reliefs prayed for in the Writ petition, it is evident that the petitioner has an alternative remedy under the provisions of Bihar



Targeted Public Distribution System (Control) Order, 2016.

4. The remedy available under the Act is to prefer an appeal before the District Magistrate. As the District Magistrate is the head of the Selection Committee, he cannot review his orders in an appeal. Therefore, the petitioner is directed to file a complaint/application before the Divisional Commissioner.

5. The Learned counsel for the petitioner contended that he intends to file a complaint/application before the concerned authority, but the limitation period for filing the same has lapsed. He prayed for a direction to the concerned authority to entertain the same in accordance with Section 5 of the Limitation Act.

6. Taking into consideration that the petitioner has an alternative remedy for filing complaint/application, the Writ petition is disposed of with a direction to the petitioner to file complaint/application within two month from the date of receipt of this order before the concerned



authority. The delay in filing the complaint/ application shall be condoned by the authority concerned, and the authority shall dispose of the same within three months from the date of filing of the same.

7. With the above said observation, the Writ petition is disposed of.

8. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.10.2025
Transmission Date	

